

REMARKS

In this paper, claims 1, 40 and 41 are currently amended, and claims 34 and 39 have been canceled. After entry of the above amendment, claims 1-4, 6-9, 11-15, 35-38 and 40-50 are pending, and claims 5, 10, 16-34 and 39 have been canceled.

Claim 13 was rejected under 35 U.S.C. §112 as being indefinite. This basis for rejection is respectfully traversed.

The word “predetermined” has the standard meaning of “determined beforehand.” The word “predetermined” is commonly used in claims. It is not necessary to limit the claims to a single distance. See, e.g., *Ferguson Beauregard/Logic Controls, Division of Dover Resources Inc. v. Mega Systems LLC*, 350 F.3d 1327, 69 USPQ2D 1001, 1010 (Fed.Cir. 2003).

While not expressly set forth in the office action, it is assumed that claims 1-4, 6-15 and 34-38 remain rejected under 35 U.S.C. §103(a) as being unpatentable over Hickman, et al (US 6,921,351) in view of Shea (US 6,171,218). This basis for rejection is respectfully traversed.

Claim 1 has been amended to include the features of claims 34 and 39. More specifically, claim 1 now recites a rank processing unit that processes and provides ranking information of a registered bicycle user relative to at least one additional registered bicycle user from cycling history data, wherein the information delivery unit provides the ranking information to the registered bicycle user *automatically* in response to a request from the registered bicycle user. The Hickman, et al system requires the manual intervention of a central administrator who controls information flow to the various users. Hickman, et al neither discloses nor suggests a system that provides information, particularly historical ranking information, automatically to a registered bicycle user.

As for claim 15, the reasoning in the office action appears to miss the point. Claims 14 and 15 recite communicating geographical information to the *registered bicycle user*, but the office action only discusses communicating such information to a trainer or to a remote server.

As for claim 34 (now included in claim 1), there may be many systems around the world that

monitor something and provide some kind of information for ranking people, and such ranking information is provided to an administrator. However, the office action does not explain the motivation to provide such ranking information to the *users* themselves. Such a motivation surely cannot be inferred from the personally sensitive information processed in the Rice patent.

Claims 43-50 were rejected under 35 U.S.C. §112 as being indefinite. This basis for rejection is respectfully traversed.

The office action objects to the listing of components of a system as well as their usage. Claims 43-50 are standard method-of-use claims that recite the components of a system in the preamble and then recite the method of using those components in the body of the claims. That is the traditional format for such claims. See, e.g., the various method claims in the *Ferguson* case cited above. The claims only cover the method, not the apparatus or a confusing combination of a method and apparatus.

Claims 43-50 were rejected under 35 U.S.C. §101 as being directed to nonstatutory subject matter. This basis for rejection is respectfully traversed for the same reasons noted above. A section §101 rejection would apply if the components of a system and their use both were introduced as positive (not inferential) elements in the *body* of the claim, but that is not the case with claims 43-50.

Claims 43-50 were rejected under 35 U.S.C. §102(e) as being anticipated by Hickman, et al. This basis for rejection is respectfully traversed.

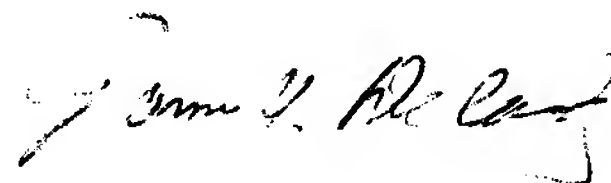
Claim 43 recites receiving through the Internet, by a registered bicycle user from a cycle computer, information from at least one additional registered bicycle user *in a self-serve manner*. Hickman, et al discloses a system wherein a central administrator manually controls information flow to a requesting user. Hickman, et al neither discloses nor suggests a self-serve bicycle information retrieval apparatus, let alone a method of using such an apparatus.

Claims 39-42 were rejected under 35 U.S.C. §103(a) as being unpatentable over Hickman, et al in view of Shea and Rice (US 2004/0210353). As noted above, the feature of claim 39 has been incorporated into claim 1, so this basis for rejection is respectfully traversed for the reasons noted

above. None of the references alone or in combination discloses or suggests *automatically* providing ranking data of one user relative to another.

Accordingly, it is believed that the rejections under 35 U.S.C. §101, §102, §103 and §112 have been overcome by the foregoing amendment and remarks, and it is submitted that the claims are in condition for allowance. Reconsideration of this application as amended is respectfully requested. Allowance of all claims is earnestly solicited.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "James A. Deland", written in a cursive style.

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